IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3891 OF 2026

Sachin Vishwanath Kadam ... Applicant
V/s.
State of Maharashtra ... Respondent

Mr. Balasaheb Deshmukh, for the Applicant
Ms. Shilpa Talhar, APP for the Respondent - State.
Mr. Sudir Kadam, API, Yavat Police Station, Pune present.

CORAM : MILIND N. JADHAV, J.

DATED : OCTOBER 15, 2026

P.C.:

1. Heard Mr. Deshmukh, learned Advocate for Applicant and Ms. Talhar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.466 of 2026 registered with Yavat Police Station, Pune for offences punishable under Sections 88, 91, 319(2), 336(3) 340(2) 3(5) of the Bharatiya Nyaya Sanhita, 2023 r/w Sections 3(a), 3, 6b, 6c, 18, 23, 25 of the Pre-concession and Pre-metal Diagnosis Technic Act, 1994 and under Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971.

3. Applicant is arraigned as Accused No. 10 in the present crime. There are 12 accused persons in all. Offences are registered under the provisions of PCPNDT Act, BNS and MTP Act. FIR is filed on 14 May

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2026 pursuant to a complaint by a Medical Superintendent about the alleged crime against Accused No. 1, namely, Annasaheb Appasaheb Giri. Allegation is against the principal accused person of his having run and conducted illegal activities of sex determination in his clinic. Applicant before me is not the principal protagonist.

4. Mr. Balasaheb Deshmukh, learned Advocate for Applicant, has vehemently argued that Applicant is not at all involved in the present crime. He would submit that Applicant is an employee of Rajhans Credit Co-operative Society for the past more than 20 years. He would submit that, insofar as the crime in question is concerned, the principal accused persons are Accused No. 1, who was running the said clinic and Accused No. 3, who had sold the sonography machine to Accused No. 1. He would submit that investigation is completed and charge-sheet is filed. On parity, he would submit that Accused No. 3, who had a far greater role and a direct nexus with the crime in question, has already been enlarged on bail. He would also submit that Accused No. 4 has been protected by this Court vide order dated 1 October 2026. With regard to the role of Applicant, he would submit that allegation of the prosecution is that he is the recipient and beneficiary of the proceeds of crime, but the same is *prima facie* incorrect. He would submit that, for the last 20 years, applicant is working as a pigmy collection agent on behalf of the non-banking financial institution and he has collected

substantial amounts from the depositors over the years and one such depositor happens to be Accused No. 1. He would submit that Applicant has followed the due process of law of issuing the challan for every deposit and all details have been placed on record. He has taken me through the said details and I have perused the same. He has also shown to the Court the appointment letter of the Applicant as pigmy collection agent and has taken me through various statements recorded by the prosecution, which *prima facie* confirm the fact that Applicant was indeed working as a pigmy collection agent on behalf of the non-banking financial institution for many, many years together. Based on the aforesaid, Applicant would persuade the Court to allow the Applicant bail, since he has been incarcerated for the past more than four months.

5. Per contra, the prosecution team, led by the learned APP, would submit that substantial amounts were received by the Applicant, which is the charge against the Applicant. However, when a direct question is put to the prosecution as to whether Applicant was the sole beneficiary of the said amounts, the answer to the said question is in the negative. In fact, the prosecution material itself shows that Applicant was working as a collection agent for the non-banking financial institution.

6. I have perused the record and the material which is placed before me. It is seen that Accused Nos. 1 and 2 are doctors and, principally,

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they are involved in the alleged sex determination racket, according to the prosecution. Insofar as the Applicant is concerned, he has no direct nexus or privity of contract whatsoever with the hospital in question or Accused Nos. 1 and 2.

7. The various witness statements recorded *prima facie* show that Applicant is an employee of a credit society, namely, Rajhans Patsanstha Limited, and, as part of his duty, he has been instrumental in collecting the amounts as a collection agent from the depositors, as per the mutual contract with them. Thus, when the Applicant collects the amount from the depositors, it cannot be *prima facie* alleged that the Applicant has collected proceeds of crime, since Applicant has no personal gain in making such collection, which is not for his personal use at all. The applicant has functioned on behalf of the Credit Co-operative Society and, therefore, the allegation of the prosecution that Applicant has amassed the illegal proceeds of crime is, *prima facie*, on the face of the record, unsustainable.

8. There is no direct or even indirect evidence or any incriminating material which connects the applicant with the alleged crime in question. Applicant has relied upon the statements of various prosecution witnesses, which *prima facie* show that Applicant has no nexus whatsoever with the alleged crime in question and each and every witness confirms the fact that Applicant is a collection agent on

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behalf of the non-banking financial institution and has carried his work and duty as an employee thereof.

9. Next, coming to the principal allegation about amassing proceeds of crime, it is *prima facie* seen that all amounts collected by the Applicant have been deposited with the non-banking financial institution and Applicant is not the beneficiary of the same. The entire deposits which are shown and which are made with the Credit Co-operative Society are with NBFC and, therefore, it cannot be stated at the threshold that Applicant has been instrumental in siphoning off or diversification of the amounts which were allegedly earned by the principal accused persons for his personal gain.

10. In view of the aforesaid *prima facie* observations and findings, and the material placed on record, applicant has made out a very strong case for grant of bail. The Applicant is granted bail.

11. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No.466 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty

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Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer

informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

6. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the prima facie observations made hereinabove in this order.

7. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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